

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 22-CR-10038-IT
)	
ARIEL LEGASSA)	

Motion To Continue Trial

Defendant Ariel Legassa hereby moves to continue trial presently scheduled for April 3, 2023 to October 16, 2023. Mr. Legassa states that based on undersigned counsel's discussions with the government about a continuance, it is his understanding that the government also has an interest in continuing trial to the fall of 2023,¹ but before it assents or takes a position on this motion, it would like to extract a concession from Mr. Legassa in the parallel civil case.² The concession is Mr. Legassa's assent to a motion by the government to intervene in the civil case and his agreement to stay deposition discovery from the plaintiff's witnesses (who will also be government trial witnesses in this case). Mr. Legassa will not assent to a stay of discovery in the civil case and has filed an opposition to the government's motion in that matter. *See* Affidavit of counsel in Support of Motion to Continue Trial at ¶ 2.

¹ Mr. Legassa's understanding that the government is interested in a continuance is also formed by the government's Feb. 14, 2023 email to the clerk in this session stating that "the parties anticipate filing a request to continue the trial date" and inquiring as to the court's availability over the next several months. *See* Feb. 14, 2023 email.

² The alleged victim in this criminal case also filed its own civil case which also alleges that Mr. Legassa stole money from it. The factual allegations in the civil case mirror the allegations in the criminal case. *See New England Sports Network, L.P. v. Alley Interactive LLC (CT) and Ariel Legassa*, USDC MA Civil No. 22-CV-10024-ADB.

Mr. Legassa seeks a continuance because undersigned counsel cannot be ready to try this criminal case on April 3, 2023. Mr. Legassa has been trying to obtain relevant discovery in the civil case from plaintiff New England Sports Network, LP (“NESN”) since July 2022. NESN is Mr. Legassa’s former employer and the alleged victim in this criminal matter. After Mr. Legassa filed a motion to compel a response to its document request in the civil case, NESN served a written response on December 30, 2022. NESN has not yet produced a single document. *Id.*

Frustrated with the lack of production from NESN in the civil case, in early December 2022, Mr. Legassa sought leave in this case to serve NESN and its officers with subpoenas requiring production of responsive documents in advance of the first day of trial pursuant to Fed. R. Crim. P. 17(c). Mr. Legassa obtained leave to serve Rule 17 subpoenas by order dated December 30, 2022. Counsel served the subpoenas on January 14, 2023.³ *Id.*

NESN agreed to produce some responsive documents, but also filed on January 30, 2023 a motion to quash as to other requested documents. Mr. Legassa intends to file a response to that motion but has not been able to do so yet because he was on trial from February 6 through 10, 2023 in another session in this court. *Id.*

Counsel’s trial schedule has also precluded him from preparing for the April 3, trial in this matter. Since September 1, 2022, undersigned counsel has been either preparing for trial or on trial. All but one of the trials involved cases from before the COVID-19 court shutdown, as a

³ Undersigned counsel had served the subpoenas on NESN on December 30, 2022 but they were unsigned by the current clerk of the court. Counsel pointed that out to NESN and asked that NESN accept them without signature. NESN refused. Counsel was on trial in a murder case in Worcester Superior Court from January 5 through 12, 2023 and was not able to re-serve NESN until January 14, 2023.

result of which no cases were tried in state or federal courts from March 2020 through early 2022. *Id.*

Counsel is unavailable to try this case before October 2023. Counsel is scheduled to start a one-week murder trial in early May, 2023, a two-week three-defendant murder trial in early June, 2023, and a three-week murder trial in mid July. All are pre-COVID shutdown cases with defendants in custody. Counsel has personal and family obligations in August and will need the month of September to get ready for an October trial of this case. *Id.*

April 3 was the first trial date set for this case, which is a post-COVID-19 shutdown case with a defendant who is not in custody. This is Mr. Legassa's first request for a continuance. The case is a year-old today. Under the extraordinary and historically unprecedented circumstances set forth above, the requested continuance would not be contrary to the interests of justice. Mr. Legassa assents to the exclusion of all time between April 3 and October 16, 2023 for speedy trial calculation purposes.

For all of the foregoing reasons, the court should continue trial to October 16, 2023.

ARIEL LEGASSA

By his attorney,

/s/ *E. Peter Parker*

E. Peter Parker

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 16, 2023.

/s/ E. Peter Parker

E. Peter Parker